

HOUSE BILL 3668

By Stewart

AN ACT to amend Tennessee Code Annotated, Title 59
and Title 69, Chapter 3, relative to mining.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 69-3-108(f), is amended by adding the following language as a new, appropriately designated subdivision:

() Without limiting the applicability of this section, if the commissioner determines that surface coal mining at a particular site will violate water quality standards because proven soil compaction technology will not preserve the stability of slopes within the permit area given the steepness of the slope and average annual rainfall in such area, the permit shall be denied. This subdivision is declared to be remedial in nature and shall be liberally construed to effectuate its purposes.

SECTION 2. Tennessee Code Annotated, Section 59-8-354, is amended by designating the existing language as subsection (a) and by adding the following new subsections:

(b) In addition to all other requirements for granting a permit in accordance with this part, the commissioner shall require that proven soil compaction technology be employed to ensure the compaction of all slopes within the permit area.

(c) The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this section, including but not limited to the establishment of criteria to determine whether a permit shall be granted based upon the information submitted by the applicant as required in subsection (b). All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. Tennessee Code Annotated, Section 59-8-410, is amended by designating the existing language as subsection (a) and adding the following as new subsections:

(b) The commissioner shall require that proven soil compaction technology be employed to ensure the compaction of all slopes within the permit area.

(c) The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this section, including but not limited to the establishment of criteria to determine whether a permit shall be granted based upon the information submitted by the applicant as required by this act. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity or affect shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.